

THE WOODLANDS TOWNSHIP

Board of Directors Meeting

REGULAR BOARD MEETING

March 21, 2013

MINUTES

THE STATE OF TEXAS §

COUNTIES OF HARRIS & MONTGOMERY §

The Board of Directors of The Woodlands Township met in regular session, open to the public, on March 21, 2013, posted to begin at 9:00 a.m. The meeting was held in the Board Chambers at the office of The Woodlands Township, 2801 Technology Forest Boulevard, The Woodlands, Texas, within the boundaries of The Woodlands Township.

Chairman:
Bruce Tough

President/General Manager:
Don Norrell

Vice Chairman:
Peggy Hausman

Staff/Advisors:

Alan Benson
Kim Cogburn
Karen Dempsey
Taunya Jacques
Miles McKinney
John Powers
Daniel Ringold
Monique Sharp
Bret Strong
Susan Welbes
Renee Williford
Nick Wolda

Secretary:
Ed Robb

Treasurer:
Gordy Bunch

Directors:
Mike Bass
Nelda Luce Blair
Jeff Long

1. Pledge of Allegiance;

Chairman Tough led the Pledge of Allegiance to the United States flag and Texas State flag.

2. Call meeting to order;

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Note: Chairman Tough informed the Board that today's meeting was being filmed and that the footage will be used for future Township video projects.

Chairman Tough called the meeting to order at 9:01 a.m. and declared that notice of this meeting was posted 72 hours in advance at the Courthouse of Montgomery County and Harris County and inside the boundaries of The Woodlands Township at the office building located at 2801 Technology Forest Boulevard, The Woodlands, Texas.

The roll was then called of the duly elected members of the Board with all members present. As there was a quorum of members present, the Board proceeded to conduct business regarding the following matters.

Note: Chairman Tough reminded the Board that the Board Planning Session would take place immediately following this meeting in the Board Chambers.

3. **Receive, consider and act upon adoption of the meeting agenda;**

Chairman Tough made a correction to the agenda by moving item 9 (presentation by County Attorney, J. D. Lambright on the TexCom injection well litigation) prior to item 4 (Recognition of Public Officials).

Director Bass requested that item 13, regarding annual employee salary increases, be placed on the Consent Agenda. There was no objection to this request.

Motion by: Director Bass moved to adopt the agenda as presented with the above stated modifications.

Second by: Treasurer Bunch

Motion passed unanimously (7-0).

Directors	YES	NO	ABSTAIN
Tough, Bruce (Chairman)	x		
Hausman, Peggy (Vice Chairman)	x		
Robb, Ed (Secretary)	x		
Bunch, Gordy (Treasurer)	x		
Bass, Mike (Director)	x		
Blair, Nelda Luce (Director)	x		
Long, Jeff (Director)	x		

9. **Receive, consider and act upon an update from Montgomery County Attorney, J. D. Lambright, regarding TexCom injection well litigation;**

Montgomery County Attorney, J. D. Lambright provided an update on the TexCom injection well litigation matter. Mr. Lambright began his presentation with background information and then

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informed the Board that at present the litigation matter is awaiting a ruling from the Court of Appeals. Mr. Lambright commented that he is hopeful that a ruling will come within the next ninety days.

Following the ruling, litigation will go back to court in Austin where the merits of the case will be deliberated. Mr. Lambright noted that Montgomery County, the City of Conroe, Denbury Onshore, "CROW," a private citizen group, and Sabine Royalty Trust, etc. will continue to vigorously pursue this case over the next several years.

This item was for information sharing only. No action was necessary.

4. Recognize Public Officials:

No public officials were recognized at this time.

5. Public comment:

The following individuals addressed the Board:

- Terry Woodson-Waste Management Operations; gave a brief update regarding the annual funding to enhance environmental education;
- Denise Plant-51 N. Lansdowne Circle; commented on The Woodlands Marathon and Iron Man races;
- Steve Leakey-presented the Alden Bridge Village Association monthly report;
- Amy Lecocq-presented the Indian Spring Village Association monthly report;
- Lloyd Matthews-commented on Order 019-09 regarding placement of American flags at village parks;
- Mindy Cassard-commented on The Woodlands Marathon;
- Brian McMeans-15 Summer Morning Court; commented on Woodlands races;
- Lisa Henthorn-103 S. Copper Sage; commented on Woodlands races;

CONSENT AGENDA:

6. Receive, consider and act upon the Consent Agenda:

(This agenda consists of non-controversial or "housekeeping" items required by law. One motion with modifications, if applicable, approves for action all items contained within the Consent Agenda. Items may be moved from the Consent Agenda to the Regular Agenda by any Board member making such request prior to a motion and vote.)

- (a) Receive, consider and act upon approval of the minutes of the February 21, 2013 Regular Board Meeting, February 21 Board Planning Retreat, and the February 27, 2013 Regular Board Meeting for the Board of Directors of The Woodlands Township;

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- (b) Receive, consider and act upon an annual survey of prevailing wage rates and scale for construction projects and adopt a resolution in connection therewith;
- (c) Receive, consider and act upon a Right of Way and Easement Agreement in the Open Space Reserve of the Village of Grogan's Mill, Section Four, related to a portion of the San Jacinto River Authority Groundwater Reduction Project;
- (d) Receive, consider and act upon award of bid for lake and pond maintenance services;
- (e) Receive, consider and act upon award of bid for tree lighting and maintenance services;
- (f) Receive, consider and act upon a Right of Way Instrument and Easement in the Village of Panther Creek, Section 2, Open Space Reserve A related to Entergy Texas utility service to 4000 South Panther Creek Drive;
- (g) Receive, consider and act upon a proclamation in support of Earth Day;

Item Receive, consider and act upon annual employee salary increases;
#13

Motion by: Director Long moved to approve the Consent Agenda.

Second by: Treasurer Bunch

Motion passed unanimously (7-0).

Directors	YES	NO	ABSTAIN
Tough, Bruce (Chairman)	x		
Hausman, Peggy (Vice Chairman)	x		
Robb, Ed (Secretary)	x		
Bunch, Gordy (Treasurer)	x		
Bass, Mike (Director)	x		
Blair, Nelda Luce (Director)	x		
Long, Jeff (Director)	x		

A Resolution Adopting Prevailing Wage Rate Scale for Construction Projects is attached hereto as Exhibit "A."

7. REGULAR AGENDA:

8. Receive, consider and act upon appointment of a Township Director as liaison to the Lake Woodlands Property Owners Association (LWPOA)Board of Directors;

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Don Norrell, President/General Manager for The Woodlands Township, was called on to present this item. Mr. Norrell informed the Board that he had discussed with the President of the LWPOA organization a request that a Township Director be appointed as a liaison member of the LWPOA Board of Directors. Mr. Norrell noted that the liaison would not be a voting member of the Board but rather would act as a communication liaison. The purpose of the liaison would be to attend the LWPOA meetings and then report back to the Township Board information from the LWPOA.

Chairman Tough asked Secretary Robb if he would like to be the Township's liaison to the LWPOA. Secretary Robb respectfully declined. The Chair then asked if there was any Director interested in serving as liaison. Vice Chairman Hausman accepted the position. Chairman Tough then called for a motion and second on this matter.

Motion by: Director Blair moved to appoint Township Director Peggy Hausman as liaison to the Lake Woodlands Property Owners Association.

Second by: Treasurer Bunch

Motion passed unanimously (7-0).

Directors	YES	NO	ABSTAIN
Tough, Bruce (Chairman)	x		
Hausman, Peggy (Vice Chairman)	x		
Robb, Ed (Secretary)	x		
Bunch, Gordy (Treasurer)	x		
Bass, Mike (Director)	x		
Blair, Nelda Luce (Director)	x		
Long, Jeff (Director)	x		

10. **Receive, consider and act upon the amended Order 019-09 allowing the placement of American Flags at village park entrances;**

John Powers, Assistant General Manager of Community Services for The Woodlands Township, presented this item. Mr. Powers discussed item 1(b) regarding distribution of flags at all Village Park entrances and item 1(d) regarding physical inspection of flags at least three times per day. The Board previously amended Order 019-09 following a public hearing on January 23, 2013.

Motion by: Director Blair moved to withdraw the requirement that the flags be inspected three times per day and instead moved to have the flags inspected two times per day (morning and evening). The motion also included removal of the requirement that flags be distributed uniformly throughout the Township at all Village Parks.

Second by: Secretary Robb

Board discussion followed. Director Blair commented that she would like staff to come back to the Board with a cost for putting flags up in the parks. Director Bass remarked that he would like the Board to look at having the Township take over the responsibility of the flag program.

It was suggested that Director Bass offer a motion regarding this idea following a vote on Director Blair's original motion.

The Chair then called for a vote on Director Blair's motion.

Motion passed unanimously (7-0).

Directors	YES	NO	ABSTAIN
Tough, Bruce (Chairman)	x		
Hausman, Peggy (Vice Chairman)	x		
Robb, Ed (Secretary)	x		
Bunch, Gordy (Treasurer)	x		
Bass, Mike (Director)	x		
Blair, Nelda Luce (Director)	x		
Long, Jeff (Director)	x		

Director Bass then offered the following motion:

Motion by: Director Bass moved to have staff bring back to the Board an evaluation, including financial implications, of the Township taking over the responsibility for the flag program at Township parks and give the President/General Manager of The Woodlands Township the authority to contract with other organizations or reach an agreement with those village associations that want to implement a flag program.

Second by: Director Blair

Board discussion followed. Vice Chairman Hausman cautioned the Board about doing this and commented that in doing so residents might be inclined to seek help from the Township to maintain their cul-de-sacs, etc. As there was no specific date given as to when to bring back the above evaluation, it was suggested that this information be received when practical.

Motion passed (4-3).

Directors	YES	NO	ABSTAIN
Tough, Bruce (Chairman)		x	
Hausman, Peggy (Vice Chairman)		x	
Robb, Ed (Secretary)	x		
Bunch, Gordy (Treasurer)	x		

Bass, Mike (Director)	x		
Blair, Nelda Luce (Director)	x		
Long, Jeff (Director)		x	

11. Receive, consider and act upon Request for Qualifications (RFQ) for broker and consulting services for employee benefits;

Susan Welbes, Director of Human Resources for The Woodlands Township, presented background information on this item. Ms. Welbes reviewed the RFQ process and informed the Board that five firms submitted proposals. A decision matrix showing the ratings assigned by staff and a summary of the RFQs was provided to the Board in their packet materials.

Following Ms. Welbes' presentation, it was recommended that the Board approve staff's recommendation of Gallagher Benefits Services and Gallagher Retirement Services for consulting and brokerage services for employee health and retirement benefits for three years commencing April 28, 2013 and continuing until April 28, 2016.

Ms. Welbes then entertained questions from the Board. Treasurer Bunch requested that staff ask all the brokers that responded to the RFQ to provide a list of all the markets they represent. This request was then stated in the following motion.

Motion by: Treasurer Bunch moved to bring this item back at the March 27, 2013 regular Board meeting and have staff ask all the firms that participated in the RFQ provide a list of all the markets they represent.

Second by: Secretary Robb

Motion passed unanimously (6-0) with one abstention.

Directors	YES	NO	ABSTAIN
Tough, Bruce (Chairman)	x		
Hausman, Peggy (Vice Chairman)	x		
Robb, Ed (Secretary)	x		
Bunch, Gordy (Treasurer)	x		
Bass, Mike (Director)			x
Blair, Nelda Luce (Director)	x		
Long, Jeff (Director)	x		

12. Receive, consider and act upon a recommendation from the Ad Hoc Transportation Committee regarding a proposed Interlocal Agreement with Brazos Transit District;

Don Norrell presented background information on this item and informed the Board that the Ad Hoc Committee reviewed a draft Interlocal Agreement with Brazos Transit District at the Committee's

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March 18, 2013 meeting. Mr. Norrell commented that the final agreement, including Exhibits "A" and "B" had been provided to the Board for its review.

Following Mr. Norrell's presentation, Chairman Tough called on Director Long, Chair of the Ad Hoc Transportation Committee, to comment on this item. Director Long credited Mike Page, legal counsel for The Woodlands Township, for a job well done representing the interests of the Township and commented that the Committee is pleased with the final agreement.

Motion by: Director Long moved to approve the proposed Interlocal Agreement with Brazos Transit District.

Second by: Director Bass

Board discussion followed.

Motion passed unanimously (6-0).

Directors	YES	NO	ABSTAIN
Tough, Bruce (Chairman)	x		
Hausman, Peggy (Vice Chairman)	x		
Robb, Ed (Secretary)*	*not present for vote		
Bunch, Gordy (Treasurer)	x		
Bass, Mike (Director)	x		
Blair, Nelda Luce (Director)	x		
Long, Jeff (Director)	x		

CLOSED MEETING:

14. Recess at 10:22 a.m. to Executive Session to discuss matters relating to real property pursuant to §551.072, Texas Government Code; deliberation of economic development negotiations pursuant to §551.087, Texas Government Code; discuss personnel matters pursuant to §551.074, Texas Government Code; and to consult with The Woodlands Township's attorney pursuant to §551.071, Texas Government Code;

15. Reconvene in Public Session at 11:09 a.m.;

Chairman Tough announced that it would not be necessary to take action on matters discussed in Executive Session.

MARCH 27, 2013 BOARD MEETING:

The following items will be considered at the March 27, 2013 Board meeting:

16. Receive, consider and act upon a presentation from The Goodman Corporation concerning a

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transit center; Item deferred to the April Board meeting

17. Receive, consider and act upon approval of a Host Venue Agreement with World Triathlon Corporation regarding the proposed Iron Girl event;
18. Receive, consider and act upon a water management plan and a resolution support Woodlands Joint Powers Agency's conservation efforts;
19. Receive, consider and act upon a Resolution Adopting Policies and Guidelines for The Woodlands Township Operating Reserve;
20. Receive, consider and act upon a Resolution Adopting Policies and Guidelines for The Woodlands Township Capital Asset Reserve;
21. Receive, consider and act upon a Resolution Adopting Policies and Guidelines for The Woodlands Township Economic Development Reserve;

DISCUSS FUTURE AGENDA/ANNOUNCEMENTS:

22. Consideration of items to be placed on the agenda for next month's meeting;
 - Vice Chairman Hausman reminded the Chair to add item #11, regarding a RFQ for broker and consulting services for employee benefits, to the March 27, 2013 agenda.
 - Director Bass requested an update on the Grogan's Mill Nature Trail Bridge and information on any things that mitigate the bridge from being washed out.

Items for clarification:

- Director Bass wanted to know when the final report on the Township's Capital Asset Reserve Study would be ready.
- Treasurer Bunch wanted to know the expiration date for employee benefit coverage.

23. Board announcements;

- Director Bass commented that he had attended a San Jacinto River Authority (SJRA) construction meeting and had picked up a brochure that contained information regarding road closures/time for project work. He also mentioned that SJRA's web site has more information.
- Treasurer Bunch suggested that the Township extend the current broker services agreement with Gallagher to be concurrent with the expiration of the Township's coverage. This matter will be discussed at the March 27, 2013 Board meeting.
- Director Blair commented that she had attended a Transportation Advocacy Group (TAG) meeting and was pleased that the Township will become a member. Directors were encouraged to take a look at this group and the work it is doing.

- Director Blair extended an invitation to attend Easter service at the Pavilion this coming Sunday at 10:00 a.m. with a butterfly release to follow.
- Director Long commented that the Ad Hoc Transportation Committee is dealing with several issues including the following: transit center, mobility plan, UZA recommendation for a south region advisory group, two area projects on North Houston Association's top ten list of projects.
- Secretary Robb commented that he has concerns about the Iron Girl event.

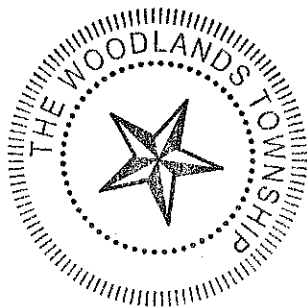
24. Adjournment.

Motion by: Director Long moved to adjourn the meeting at 11:24 a.m.

Second by: Vice Chairman Hausman

Motion passed unanimously (7-0).

Directors	YES	NO	ABSTAIN
Tough, Bruce (Chairman)	x		
Hausman, Peggy (Vice Chairman)	x		
Robb, Ed (Secretary)	x		
Bunch, Gordy (Treasurer)	x		
Bass, Mike (Directors)	x		
Blair, Nelda Luce (Directors)	x		
Long, Jeff (Directors)	x		



Ed Robb
Secretary, Board of Directors

EXHIBIT OMISSIONS*

EXHIBIT "A"

***To view Exhibits, please contact the Records Department at 281-210-3974.**

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